

**OREGON CLEAN WATER ACTION PROJECT  
P.O. Box 11501  
EUGENE, OR 97440**

October 5, 2019

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Frank D. Dulcich, President  
Dulcich, Inc.  
16797 SE 130th Ave  
Clackamas, OR 97015

**RECEIVED ON:**

*ORC*

*OCT - 8 2019*

*no cms*

*EPA Region 10*

*Office of the Regional Administrator*

Mr. Dulcich,

This letter is to provide you with notice of the intent of the Oregon Coast Alliance (ORCA) to file a citizen suit against Pacific Surimi - Newport, LLC pursuant to section 505(a)(1) (A) of the Clean Water Act (CWA), 33 U.S.C. § 1365(a)(1)(A). You are hereby given notice that upon the expiration of the sixty (60) day statutory waiting period, ORCA will file a civil action against Pacific Surimi - Newport, LLC in the U.S. District Court for the District of Oregon unless Pacific Surimi - Newport, LLC satisfactorily addresses the CWA violations enumerated below.

This lawsuit will allege that Pacific Surimi - Newport, LLC has violated and continues to violate the CWA and applicable state water pollution control laws. Pacific Surimi - Newport, LLC operates a facility located at 623 S.W. Bay Boulevard in Newport, Oregon, and has violated and continues to violate the CWA at this facility. As you should be aware, Pacific Seafood Processing, LLC is the sole member of Pacific Surimi - Newport, LLC, and Dulcich, Inc. is the sole member of Pacific Seafood Processing, LLC.

Section 301 of the CWA, 33 U.S.C. § 1311(a), and Oregon Revised Statutes § 468B.050, prohibit the discharge of any pollutant into the waters of the United States unless such discharge is permitted via a National Pollution Discharge Elimination System (NPDES) permit. Pacific Surimi - Newport, LLC's 623 S.W. Bay Boulevard facility is covered under NPDES permit number 101805, issued by the Oregon Department of Environmental Quality (DEQ), and transferred to Pacific Surimi - Newport, LLC by DEQ on December 18, 2017. This permit allows Pacific Surimi - Newport, LLC to discharge pollutants from the facility to the waters of the United States, specifically to Yaquina Bay, to the extent that such discharges are in accordance with specific limitations contained in the permit.

August 2018	5.7 lbs/1000 lbs
October 2018	4.76 lbs/1000 lbs
May 2019	3.9 lbs/1000 lbs

Paragraph 1.c. of Schedule A of Pacific Surimi - Newport, LLC's permit limits the daily maximum TSS in the effluent discharged from the facility's outfall 001B to 5.3 pounds per 1,000 pounds of raw product (lbs/day). Discharge Monitoring Reports (DMRs) submitted to DEQ by Pacific Surimi - Newport, LLC indicate that the facility exceeded this limitation on the following occasions, when the daily maximum TSS discharged from outfall 001B was as follows:

August 24, 2018	9.2 lbs/1000 lbs
August 28, 2018	5.5 lbs/1000 lbs
September 11, 2018	5.8 lbs/1000 lbs
September 20, 2018	5.6 lbs/1000 lbs
October 9, 2018	5.5 lbs/1000 lbs
May 17, 2019	5.9 lbs/1000 lbs

Paragraph 1.c. of Schedule A of Pacific Surimi - Newport, LLC's permit limits the monthly average oil and grease in the effluent discharged from the facility's outfall 001B to 0.47 pounds per 1,000 pounds of raw product (lbs/day). Discharge Monitoring Reports (DMRs) submitted to DEQ by Pacific Surimi - Newport, LLC indicate that the facility exceeded this limitation during the following months, when the monthly average oil and grease discharged from outfall 001B was as follows:

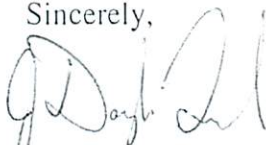
July 2018	0.84 lbs/1000 lbs
August 2018	2.41 lbs/1000 lbs
September 2018	1.29 lbs/1000 lbs
October 2018	2.41 lbs/1000 lbs

Paragraph 1.c. of Schedule A of Pacific Surimi - Newport, LLC's permit limits the daily maximum oil and grease in the effluent discharged from the facility's outfall 001B to 1.2 pounds per 1,000 pounds of raw product (lbs/day). Discharge Monitoring Reports (DMRs) submitted to DEQ by Pacific Surimi - Newport, LLC indicate that the facility exceeded this limitation on the

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Oregon Clean Water Action Project  
P.O. Box 11501  
Eugene, OR 97440  
(541) 686-3027

During the sixty-day notice period, we will be available to discuss effective remedies and actions which will ensure Pacific Surimi - Newport, LLC's future compliance with the Clean Water Act and all applicable state water pollution control laws. In addition, we welcome discussion about whatever facts you believe relevant which are not included in this notice letter. If you wish to avail yourself of this opportunity, or if you have any questions regarding this letter, please have Pacific Surimi - Newport, LLC's legal counsel in this matter contact the undersigned.

Sincerely,



J. Douglas Quirke

Cc: Robert J. Preston, Registered Agent for Pacific Surimi - Newport, LLC  
Andrew Wheeler, Administrator, U.S. Environmental Protection Agency  
Chris Hladick, Region 10 Administrator, U.S. Environmental Protection Agency  
Richard Whitman, Director, Oregon Department of Environmental Quality

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